

JUDGE BATTS

07 CIV 9918

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X
GREAT NORTHERN INSURANCE COMPANY :
a/s/o PETER KALIKOW, :

Plaintiff, :

- against - :

SINGAPORE AIRLINES CARGO PTE LTD & :
MARTIN E. BUTTON, INC., :

Defendants. :
----- X

Civil Action No. 07-CV-9918

NOV 09 2007
U.S.D.C. S.D. N.Y.
CLERK'S OFFICE
NOTICE OF REMOVAL

Defendant SINGAPORE AIRLINES CARGO PTE LTD ("SINGAPORE"), by and through its attorneys, Condon & Forsyth LLP, hereby removes this action from the Supreme Court of the State of New York, New York County, to the United States District Court for the Southern District of New York, pursuant to 28 U.S.C. §§ 1441 and 1331.

1. This subrogated cargo action was commenced in Supreme Court, New York County, by the filing of a Summons and Complaint with that court on or about September 4, 2007. Copies of the Summons and Complaint are annexed hereto as Exhibit "A." Copies of the Summons and Complaint for SINGAPORE were sent to the New York Secretary of State on or about October 9, 2007.

2. Upon information and belief, plaintiff has discontinued the action against defendant Martin E. Button, Inc. See Stipulation of Discontinuance attached hereto as Exhibit "B." No further proceedings have been had in the action.

3. The Complaint alleges that plaintiff seeks recovery for damage to a Ferrari automobile transported from Zurich, Switzerland, to JFK International Airport in April 2006. See Complaint ¶¶ 6-8, annexed hereto as Exhibit "A."

4. This Court has original jurisdiction over this action based on the existence of a federal question pursuant to 28 U.S.C. § 1331.

5. Upon information and belief, the transportation out of which the subject matter of this action arose was “international transportation” within the meaning of a treaty of the United States known as the Convention for the Unification of Certain Rules Relating to International Transportation by Air, concluded at Montreal, Canada on May 18, 1999, reprinted in S. Treaty Doc. 106-45, CCH Av. L. Rep 27,400-59, 1999 WL 33292734 (1999) (“Montreal Convention”), and that the rights of the parties to this action are governed by the provisions of said Montreal Convention. Accordingly, the underlying action may be removed to this Court by defendant pursuant to the provisions of 28 U.S.C. § 1331 in that the action arises under a treaty of the United States, the Montreal Convention.

6. Pursuant to 28 U.S.C. § 1446(a), this Notice of Removal is filed in the United States District Court for the Southern District of New York, which is the district in which the state court action is pending.


7. Defendant will file this date a copy of the Notice of Removal with the Clerk of the Supreme Court of the State of New York, as required by 28 U.S.C. § 1446(d).

8. Defendant will this date give written notice of the filing of this Notice of Removal to all parties as required by 28 U.S.C. § 1446(d).

WHEREFORE, defendant SINGAPORE AIRLINES CARGO PTE LTD
prays that the above-entitled action now pending in the Supreme Court of the State of New York,
be removed therefrom to this Court.

Dated: New York, New York
November 8, 2007

CONDON & FORSYTH LLP

By 
Stephen J. Fearon (SF 8740)
A Partner of the Firm
7 Times Square
New York, New York 10036
(212) 490-9100

Attorneys for Defendant
SINGAPORE AIRLINES CARGO PTE LTD

To: Allen D. Werter, Esq.
Attorney for Plaintiff
215 East Main Street, Suite 203
Huntington, New York 11743
(631) 367-1485

Martin E. Button, Inc.
55 New Montgomery Street # 400
San Francisco, CA 94105-3412

Clerk, Supreme Court of the State of New York
New York County
60 Centre Street
New York, New York 10007-1474

AFFIDAVIT OF SERVICE BY MAIL

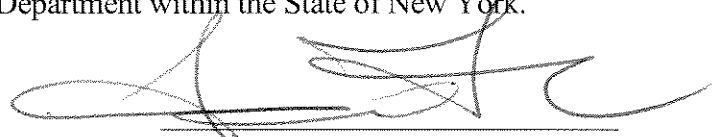
STATE OF NEW YORK)
) ss:
COUNTY OF NEW YORK)

Samia Flecha, being duly sworn, deposes and says that deponent is not a party to the action, is over 18 years of age and resides in Weehawken, New Jersey. That on the 8th day of November, 2007 deponent served the within **NOTICE OF REMOVAL** upon:

Allen D. Werter, Esq.
Attorney for Plaintiff
215 East Main Street, Suite 203
Huntington, New York 11743

Martin E. Button, Inc.
55 New Montgomery Street # 400
San Francisco, CA 94105-3412

at the addresses designated by said attorneys for that purpose by depositing same enclosed in a postpaid properly addressed wrapper, in an official depository under the exclusive care and custody of the United States Post Office Department within the State of New York.



Samia Flecha

Sworn to before me this
8th day of November, 2007



Notary Public
MARY ANN ROONEY
NOTARY PUBLIC, State of New York
No. 31-4672706
Qualified in Queens County
Commission Expires May 31, 2010

Exhibit “A”

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

-----X
GREAT NORHTERN INSURANCE COMPANY a/s/o
PETER KALIKOW,

Plaintiff(s),

- against -

SINGAPORE AIRLINES CARGO PTE LTD &
MARTIN E. BUTTON, INC,

Defendant(s).
-----X

Index No.: 11 2002/07
9/4/07

SUMMONS

Plaintiff's Residence:

101 Park Avenue
New York, New York 10178

Basis of Venue:

Plaintiff's subrogor's place
Of residence

To the above named defendant(s)

You are hereby summoned to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the plaintiff's attorney(s) within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated: Huntington, New York
June 25, 2007

Defendant's Address:

SINGAPORE AIRLINES CARGO PTE LTD.
55 E. 59th Street, #20b
New York, New York

MARTIN E. BUTTON, INC.
55 New Montgomery Street, Ste 400
San Francisco, CA 94105

ALLEN D. WERTER, ESQ.

Attorney(s) for Plaintiff

Office & P.O. Address

215 East Main Street, Suite 203

Huntington, New York 11743

(631) 367-1485

File: J21398

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

Index No.: 112002/07
9/4/07

-----X
GREAT NORHTERN INSURANCE COMPANY
a/s/o PETER KALIKOW,

**VERIFIED
COMPLAINT**

Plaintiff(s),

- against -

SINGAPORE AIRLINES CARGO PTE LTD &
MARTIN E. BUTTON, INC.

Defendant(s).
-----X

Plaintiff, Great Northern Insurance Company, by its attorney, Allen D. Werter, Esq.,
complaining of defendants alleges upon information and belief:

1. At all times hereinafter mentioned plaintiff Great Northern Insurance Company, ,
was and still is a corporation organized under the laws of a foreign state and authorized to do
business in the State of New York.

2. At all times hereinafter mentioned, defendant, Singapore Airlines Cargo PTE
Ltd, was and still is a corporation authorized to do business in the State of New York.

3. At all times hereinafter mentioned, defendant Singapore Airlines Cargo PTE Ltd.
did business in the State of New York.

4. At all times hereinafter mentioned, defendant Martin E. Button, Inc. did business
in the State of New York which gave rise to the cause of action set forth herein.

5. That on or about May 5, 2006 plaintiff's subrogor Peter Kalikow was the owner
of a certain 1959 Ferrari automobile.

6. That prior to May 5, 2006 plaintiff's subrogor did engage defendants to transport
said motor vehicle via air from Zurich, Switzerland to New York City.

7. That during the course of said transport a foreign substance was sprayed onto plaintiff's subrogor's motor vehicle damaging same.

8. That said damage occurred solely through the negligence of defendants in the care custody and control of said motor vehicle.

9. That on March 5, 2006 plaintiff was the insurer of the motor vehicle owned by Peter Kalikow and was compelled to pay to Peter Kalikow the sum of \$32,157.50.

10. That following said payment, plaintiff became subrogated to the rights of Peter Kalikow, against defendants.

WHEREFORE, plaintiff respectfully demands judgment against the defendants in the sum of \$32,157.50, with interest from May 5, 2006, and the costs and disbursements of this action.

Dated: Huntington, New York
June 25, 2007



ALLEN D. WERTER

Attorney's Affirmation

STATE OF NEW YORK, COUNTY OF NEW YORK

I, the undersigned, an attorney duly admitted to practice law in the State of New York, under penalties of perjury, do affirm:

That I am associated with, or am, the attorney(s) of record, or a partner or member thereof, for plaintiff in the within matter, and make this affirmation in accordance with C.P.L.R. 3020. I have read the within Summons & Complaint and know the contents thereof to be true to your affirmant's knowledge, with the exception of those matter therein stated to be alleged upon information and belief, and as to those matters your affirmant believes them to be true. The grounds upon which your affirmant bases his belief regarding those matters not stated upon your affirmant's knowledge are: review of file materials.

This verification is made by your affirmant and not by plaintiff for the following reason(s): plaintiff's subrogor does not reside in the county in which your affirmant maintains his offices.

Dated: Huntington, NY
June 25, 2007



ALLEN D. WERTER

State of New York - Department of State
Division of Corporations

Party Served:
SINGAPORE AIRLINES CARGO PTE LTD

Plaintiff/Petitioner:
GREAT NORTHERN INSURANCE
COMPANY

JFK INTERNATIONAL AIRPORT
BUILDING 21
ROOM 241
JAMAICA, NY 11430

Dear Sir/Madam:

Enclosed herewith is a legal document which was served upon the Secretary of State on 10/09/2007 pursuant to SECTION 306 OF THE BUSINESS CORPORATION LAW. This copy is being transmitted pursuant to such statute to the address provided for such purpose.

Very truly yours,
Division of Corporations

Index No.:

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

GREAT NORHTERN INSURANCE COMPANY a/s/o PETER
KALIKOW,

Plaintiff(s),

- against -

SINGAPORE AIRLINES CARGO PTE LTD & MARTIN E. BUTTON,
INC

Defendant(s).

SUMMONS AND VERIFIED COMPLAINT

ALLEN D. WERTER
ATTORNEY AT LAW

ATTORNEY FOR PLAINTIFF

Office and Post Office Address, Telephone

215 EAST MAIN STREET, SUITE 203
HUNTINGTON, NEW YORK 11743

TELEPHONE (631) 367-1485

File: J21398

TO:

ATTORNEY(S) FOR:

Service of a copy of the within

is hereby admitted.

Dated,

Attorneys for

200710090333

200710090440

Exhibit “B”

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

-----X
GREAT NORTHERN INSURANCE COMPANY a/s/o
PETER KALIKOW,

Index No.: 112002/07

Plaintiff(s),

-against-

**STIPULATION OF
DISCONTINUANCE
AS TO MARTIE E.
BUTTON, INC. ONLY**


SINGAPORE AIRLINES CARGO PTE LTD &
MARTIN E. BUTTON, INC,

Defendant(s).
-----X

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, the attorneys of record for all the parties to the above-entitled action, that: whereas no party hereto is an infant or incompetent person for whom a committee has been appointed and no person not a party has an interest in the subject matter of the action, the above-entitled action be, and the same hereby is discontinued as to Martin E. Button only without costs to either party as against the other. This Stipulation may be filed without further notice with the Clerk of the Court.

Dated: Huntington, New York
November 2, 2007

MARTIN E. BUTTON, INC.
Defendant
55 New Montgomery Street
Suite 400
San Francisco, CA 94105



ALLEN D. WERTER, ESQ
Attorney for Plaintiff
215 East Main Street, Suite 203
Huntington, NY 11743
(631) 367-1485
Our File: J21398